

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KDH CONSULTING GROUP LLC,

Plaintiff,

- against -

ITERATIVE CAPITAL MANAGEMENT, LP,
et al.,

Defendant.
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USDC SDNY
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DOC #:
DATE FILED: February 16, 2021

20 Civ. 3274 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On June 22, 2020, KDH Consulting Group LLC ("Plaintiff" or "KDH") submitted a letter motion requesting a conference and ruling on the return of the security in the amount of \$20,000, which Plaintiff posted pursuant to the temporary restraining order issued on April 27, 2020 ("TRO," Dkt. No. 9). (See Dkt. No. 35.) The Court subsequently vacated the TRO because Plaintiff had not demonstrated irreparable harm. On June 24, 2020, Defendants submitted a letter opposing return of the security to Plaintiff; Defendants indicated that they planned to seek disbursement from the security to cover the costs associated with the wrongfully imposed TRO. (See Dkt. No. 36.)

Defendants subsequently moved for disbursement (Dkt. No. 41), and Plaintiff opposed the motion (Dkt. No. 46). The Court denied Defendants' motion for disbursement on the ground that some costs incurred were not recoverable and any recoverable

costs were not properly substantiated. (Dkt. No. 49.) Shortly thereafter, Plaintiff sought clarification about whether its security could be returned, and the Court ordered Defendants to respond and indicate whether a renewed motion for disbursement was contemplated. (Dkt. No. 51.)

Defendants submitted a letter to the Court stating that with the Court's leave, they planned to renew their motion for disbursement. (Dkt. No. 52.) The Court issued an order granting Defendants leave to renew the motion. ("November 30 Order," Dkt. No. 53.) Defendants then filed a renewed motion for disbursement. (Dkt. No. 54.) The Court ordered Plaintiff to respond (Dkt. No. 58), which it did (Dkt. No. 60). Plaintiff subsequently appealed the Court's November 30 Order. (Dkt. No. 62.) That appeal, KDH Consulting Grp. LLC v. Iterative Capital Mgmt. L.P., No. 20-4292, is pending.

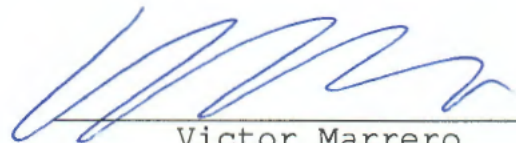
Accordingly, it is hereby

ORDERED that the letter motion filed by Plaintiff KDH Consulting Group LLC ("Plaintiff") for return of the bond posted by it pursuant to Rule 65(c) of the Federal Rules of Civil Procedure (Dkt. No. 35), as well as the renewed motion filed by Defendants Iterative Capital Management L.P.; Iterative Capital GP, LLC; Iterative OTC, LLC; Iterative Mining, LLC; Brandon Buchanan; and Christopher Dannen to recover this bond (Dkt. No. 54) is **held in abeyance** pending

a decision in the above-listed appeal. Plaintiff's request for a conference is **DENIED**.

SO ORDERED.

Dated: New York, New York
16 February 2021



Victor Marrero
U.S.D.J.